



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155

5/015/043

IN REPLY REFER TO

3809

UTU-69855, UTU-69856, UTU-69857

(UT-923)

May 29, 2002

To: Field Office Manager, Price

From: Deputy State Director, Lands and Minerals

Subject: 3809 Noncompliance Issues at Miller Rock Mine Site

Attached is an inspection report on Miller Rock Mine. During this inspection several 3809 violations were noted. They are as follows:

1. There appeared to be an unsecured area where explosives may be stored or present with a shot wire that leads into to the portal with the explosive sign on it. This is a violation of 3809.3-5 and 30 CFR 57.6123. The operator should be contacted as soon as possible to determine the contents of this area. In addition, the area should be inspected to ensure there are no explosives present. Explosives may not be left on site during periods of non-operation. Also, an inspection since May 9, 2002, by Dean Nyffeler, noted an open box of primer cord in the building. This is a violation as noted above.
2. During periods of non-operation, the site must be maintained in a safe and clean condition (43 CFR 3809.3-7). As shown in the attached photographs there is trash all over the mine site. This is also considered a violation of 43 CFR 3809.2-2 since all operations must be conducted to prevent unnecessary or undue degradation.
3. The workings are unsafe because the operator has undermined the cliff face. One of the portals has been covered by the cliff face slumping down since the workings were inadequately supported. The other portals are open and not secured. The unsuspecting public can wander into the openings not knowing these workings are unstable. This is a violation of 43 CFR 3809.3-5 which states "Hazardous sites or conditions resulting from operations shall be marked by signs, fenced, or otherwise identified to alert the public in accordance with applicable Federal and State laws and regulations."

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DIVISION OF
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4. Several 55 gallon drums and 5 gallon containers are on site and not labeled. Drums and containers must be labeled in accordance with Federal laws and stored in accordance with there associated MSDS sheets. This is a violation of 43 CFR 3809.2-2 which states that "All operations... shall be conducted to prevent unnecessary or undue degradation of the Federal lands and shall comply with all pertinent Federal and State laws, including but not limited to the following..."In addition, this is a violation of 43 CFR 3809.1-3(d)(2) which states "All ... deleterious materials or substances, and other waste produced by the operations shall be disposed of so as to prevent unnecessary or undue degradation and in accordance with applicable Federal and State Laws."

The pertinent Federal regulations that may apply to this site are as follows: materials must be stored in a secure manner (29 CFR 1910.176(b) and 40 CFR 265.173(b)); facilities must control accumulations of materials that constitute hazards (29 CFR 1910.176(c) and 40 CFR 265.31); employees and the public must be protected from hazards in the workplace (29 CFR 1910.176(g) and 40 CFR 265.14); incompatible hazardous wastes or materials may not be stored together (40 CFR 265.177(c) and CFR 1910.106(d)(5)(v)); storage areas must have containment structures (29 CFR 1910.106(d)(6)(iii), 40 CFR 264.175 and 40 CFR 112.7(e)(2)(ii)); storage areas must be maintained in such a manner as to prevent combustion or release of the materials (29 CFR 1910.106(d)(6)(iv), 40 CFR 265.31 and 40 CFR 279.22(d)); spill control equipment must be provided (29 CFR 1910.106(e)(2)(iv)(b) and 40 CFR 265.32(c)), fire control equipment must be provided (29 CFR 1910.106(e)(5)(i) and 40 CFR 265.32(c)); smoking is prohibited near hazardous wastes and materials (29 CFR 1910.106(e)(6)(i) and 40 CFR 265.17(a)); conditions must not cause hazardous wastes or materials to ignite, or their containers to expand or rupture (29 CFR 1910.106(e)(6)(i), 40 CFR 265.17(a) and 40 CFR 265.17(b)(1)(4)); containers must not be stored or handled in a way that would cause them to leak (29 CFR 1910.106(d)(5)(vi)(d), 40 CFR 265.173(b)) and containers must be compatible with their contents (29 CFR 1910.106(d)(2)(iii)(a)(1) and 40 CFR 265.172).

5. At the earliest feasible time, the operator should reclaim portions of the operation that are no longer being used in the operation (43 CFR 3809.1-3(d)(3)).

6. No topsoil appears to have been saved to use in the reclamation of this site (43 CFR 3809.1-3 (d)(4)(i)).

7. There was a no trespassing sign on the ore pile. Was the information provided in accordance with 43 CFR 3715.3-2 to allow concurrence with the posting of this sign? Also, at one point in time there appears to have been a chain across the access road. Was this also concurred with under the 3715 regulations?

8. There are several items at the site that are not appropriate equipment to use in the extraction process and some of this equipment is inoperable. Therefore, in accordance with 43 CFR 3715.2(e) this equipment should be removed.

9. A record search in our office revealed 3 notices for the mining activity observed. The legal description on these notices would appear to indicate that one plan of operations would be appropriate since there is only one project area. See definition under 43 CFR 3809.0-5(i). This issue should be resolved and addressed in the letter to the operator.

We recommend you conduct a comprehensive inspection and invite the operator to participate. Upon completion of the inspection all concerns at the site should be discussed with the operator. In addition, a letter should be sent to the operator listing all the violations at this operation. The letter should give the operator a reasonable time to correct each violation listed. If the operator does not correct the situation by the time frame given, then a notice of noncompliance should be issued.

The Division of Oil, Gas and Mining, Minerals Reclamation Program has assigned Paul Baker to this case. Please coordinate your actions with him. If you require assistance with any of these procedures, please contact Terry Snyder of my staff.

/s/ Robert A. Henricks

cc: Wayne Hedberg, Utah Division of Oil, Gas and Mining

Mine Inspection Report

Subject: Trip Report to the Miller Rock Mine

Location: T 22S, R 6E, Sec 26 approximately NW quarter, SE of Emery Utah.

Attendees: Jim Kohler, Jeff McKenzie, and Stan Perkes, all from the State Office

Date: May 9, 2002, approximately 1:00 p.m.

Material Mined: Humic Shale and weathered coal

MSHA ID Number. 42-001954

Date of Last MSHA Inspection: September 19, 2000 (Mine considered inactive)

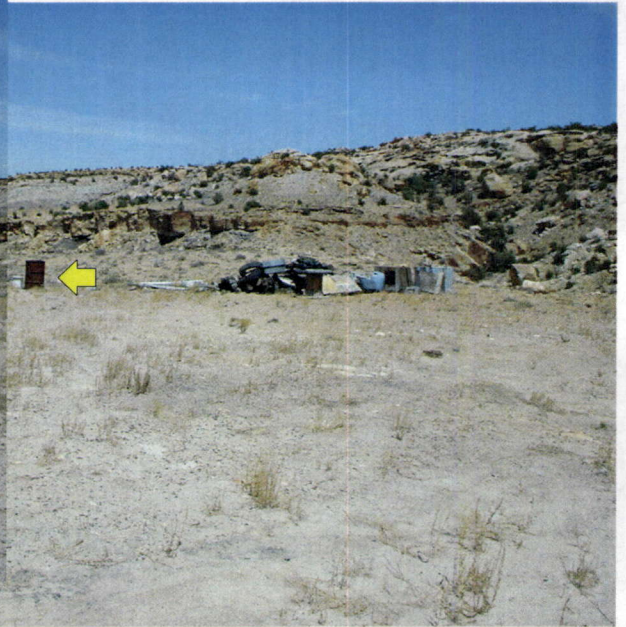
Date of Last BLM Inspection: Fall 2001

Corners and coordinates: The NW corner of Section 26 of T 22S. , R. 6 E., SLM was found and the GPS coordinate of the corner is: N. 480,629 E. 4,303,339. The GPS coordinate for the stock pile is: N. 480,986, E. 4,302,623.

History: Apparently these mining claims were filed in 1954. This operation is operating under the 3809 regulations. IBLA 93-406, 141 IBLA 373, reiterates BLM's policy as to humate being a salable mineral. It states "... Remains the official statement of position of the Bureau and the Solicitor's Office on the status of humate."

Apparently there are three operations. 2 of the operations are permitted for 1 acre apiece and the third has 2 acres. The Notice U-69856 is bonded for a value of \$20,000 as per a 1997 bond requirement. There appears to be no further bonds for this operation.

Inspection: There is a single ore pile that the operation seems to be using at the present time. Hub Research and Development Company (Salt Lake/Salina, Ut) apparently is marketing the product. There was a "no trespassing" sign on the ore pile that had this name on the sign. The ore pile had a fairly new "bobcat" loader parked next to the pile and a backhoe at the rear of the pile. Next to the pile was a "Mine Office" which is a very small building (20'X20'). Parked next to this was an old "Sears and Roebuck" Truck. This truck seems to be inoperable. There was miscellaneous equipment parked around the facility and most of it looked like junk. Going down to the east there was a pile of ore that had plastic mixed in with it. There were compressor hoses, single line wire, and a double line wire that could be used for shot wire. This wire went into the closed portal that had an explosive sign placed on it. It appears that they had mined along the out crop and had then started to underground mine from the outcrop. This outcrop mining has now created a highwall with the existing cliff face. This is apparently why they had gone underground for mining the ore. In one case the cliff face/highwall has collapsed above the open portal to close the portal. This rock seems to have been there for a while but the stability is unknown. The ledge is an overhang with jointed and loose rocks. This problem is compounded by the fact that there is a paved road, below the workings, which goes from Emery Utah to I-70 through Miller Canyon. There was a camper shell there that was up on blocks with what looked like a burned incinerator next to it. There were areas with 55 gallon drums and 5 gallon containers of unidentified substances. There appears to be more than 5 acres that have been disturbed. There are no pictures of the southern portion of the operation which continues on the other side of the ore pile.



North working area with camper and trash. Possible incinerator (yellow arrow).



North East looking South. Note what appears to be the remains of a bin that is inoperable on the top of the picture (turquoise arrow) and there is a crusher structure below the ore pile (yellow arrow). 55 gallon drums (red arrow) The dark area in the middle of the picture is shown in a close-up in the picture to the right.



There is a lot of trash and plastic mixed with the material on the left side of the picture (yellow arrow).



Close-up of the Mine Office



East Side Portal (Explosives Magazine). Trash all over the place. Note possible shot wire going over the opening (turquoise arrow). Air lines (yellow arrow)



Road coming down from the ore pile with the inoperable bin (yellow arrow) in the background. This is the same road that is on the left side of the next picture. A closer view of the in operable crusher structure (red circle). 55 gallon drums in the shadow (purple arrow).



The single ore pile for the operation in the background. On the left side is the bin (yellow arrow). The white vehicle (white arrow) in front of the ore pile is the BLM vehicle. Just left of the BLM vehicle is a bobcat loader (green arrow). The "Sears" truck (red arrow) is left of the truck with the boom (purple arrow). There are some other buildings to the right of the boom truck that do not show up in the picture. The "Mine Office" is on the right hand side of the picture.



Picture of two of the cliffs undermined forming highwalls from a distance. Close up picture is on the right.



Upper cliff face which forms a highwall close-up. Note the block that has come down over an underground opening (red circle) and the material that is spalling off.



This is what lies below the this unstable cliff. This is the road from Emery to I-70 through Miller Canyon.